

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

UNITED STATES OF AMERICA §
§
VS. § CRIMINAL NO. G-06-04
§
DANIEL YEH §

OPINION AND ORDER

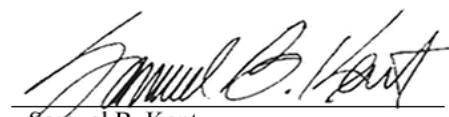
Before the Court is the Opposed “ Motion to Reconsider and Request for Hearing” filed by Robert S. Bennett, counsel for Defendant, Daniel Yeh. Having given careful consideration to the repetitious arguments of counsel, the Court issues this Opinion and Order.

In the Motion, Bennett continues to harp about his perceived impropriety of a re-evaluation of Yeh’ s competency at a suitable facility selected by the Attorney General. This argument continues to be without merit. Under 18 U.S.C. § 4241(e) if “ the director of the facility in which a defendant is hospitalized...determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment.” This Court cannot conceive of a way a Director could comply with subsection (e) if the competency of Yeh were not evaluated at some time during his commitment.

Bennett also claims the Court should dictate to the Attorney General the facility to which Yeh should be assigned and set guidelines for the Attorney General to follow during Yeh’ s commitment. With all due respect to Bennett, this Court has faith that the Attorney General will properly perform his statutory duties.

For the foregoing reasons, it is the **ORDER** of this Court that the “ Motion to Reconsider and Request for Hearing” (Instrument no. 46) filed by Robert S. Bennett, on behalf of Defendant Daniel Yeh, is **DENIED**.

DONE at Galveston, Texas this 1st day of November, 2006.



Samuel B. Kent
United States District Judge